

***United States Court of Appeals
for the Second Circuit***



APPENDIX

77-1207

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----X
UNITED STATES OF AMERICA

Appellee

-against-

RONALD LEE ROBINSON

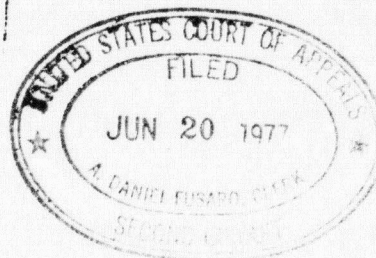
Appellant

-----X

B
Ref *S*
Docket No. 77-1207

APPENDIX

JOHN C. CORBETT
Attorney for Appellant
RONALD LEE ROBINSON
Office & P.O. Address
66 Court Street
Brooklyn, New York 11201



PAGINATION AS IN ORIGINAL COPY

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Assigned Trial STRATE 0711	U.S. District Court 207 1 District Office	Defendant ROBINSON, RONALD 75 CR 783	Day Mo. Yr. 23 10 75	Docket No. Def 783 1 PAITLSJ
U.S. CODE SECTION 18-371 18-495 18-1708		OFFENSES Conspiracy to do so Did forge payee on stolen Treas. Checks Theft of checks payable to others		COUNTS 1 8 8
U.S. Attorney or Asst. J. Marks		Defense: ☒ CJA, ☒ Let: ☐ Waived, ☐ Sent M. Corio 118-18 Union Tpke Kew Gardens, LI. 261-3142-875/1975		MAGR. CASE NO. 75 M 172 BAIL RELEASE ☐ Personal Recog. ☐ Unsecured Bond ☐ Conditional Release Set (000) \$ 100 10/8/75 date ☐ 10% Depos. ☒ Surety Bor ☐ Collateral ☐ Bail Not Made ☐ Bail Status Changed (See Docket) ☐ 3rd Party Custody ☐ PSA

ARREST 10/8/75 or U.S. Custody Began on Above Charges ☐ Prosecution Deferred	INDICTMENT Information ☐ 10-23-75 Waived ☐ Superseding ☐ ☐ Indict/Info	ARRAIGNMENT Trial Set For 1-5-76 1st Plea 10-30-75 Final Plea 1/25/77	TRIAL Voir Dire ☐ Trial Began ☒ 1/5/76 Trial Ended 1/12/76	SENTENCE Disposition ☐ Convicted ☐ Acquitted ☐ Dismissed ☐ Nolo/Discontinued* ☐ On All Charge ☐ On Lesser Offense(s) ☐ WOP; ☐ WP
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Search Warrant	Issued	DATE	INITIAL/No.	INITIAL APPEARANCE	INITIAL/No.	OUTCOME
	Return			PRELIMINARY EXAMINATION OR REMOVAL HEARING		☐ Dismissed ☐ Held for District ☒ Held to Answer to U. S. District Court AT: EDNY. Magistrate's Initials MS/070B
Summons	Issued			☐ Waived ☐ Not Waived ☒ Intervening Indictment		
Arrest Warrant	Served	10/3/75	VAC/070A	Tape No.		
COMPLAINT		10/8/75	MS/070B			
OFFENSE (In Complaint): conspire, confederate and agree with others known and unknown to forge US Treasury Checks. T-18 USC Sections 495 and 371.						

Show last names and suffix numbers of other defendants on same indictment/information BLACK Jr. 2		V. Excludable Delay (a) (b) (c) (d)	
DATE	PROCEEDINGS		
10/3/75	AUSA - C. Schwartz		
10/8/75	Bail application scheduled for October 10, 1975 at 3:00 PM.		
10-10-75	Bail \$100,000 Surety maintained - Defendant directed to submit handwriting exemplars. MS 070B - AUSA Marks.		
10/21/75	Bail hearing scheduled for October 24, 1975 at 12:00 Noon at request of D.C. Salvatore Quagliata, Esq. (Ret) 118-18 Union Turnpike, NY 261-3142.		
10-23-75	Before NEAHER, J - Indictment filed.		
10-30-75	Petition for Writ of Habeas Corpus Ad Prosequendum filed		
10-30-75	Writ Issued		
10-30-75	Notice of Appearance filed.		
10-30-75	Before BARTELS J - case called - deft present with atty-deft waives reading of the indictment and enters a plea of not guilty - defts motion for reduction of bail argued - decision reserved pending determination of defts assets. bail contd - trial set down for 11-18-75.		
11-18-75	Petition for Writ of Habeas Corpus Ad Prosequendum filed		
11-18-75	Writ Issued		
11-18-75	Before Bartels J - Case called - trial set for 1-5-76.		
11-19-75	Govts Notice of Readiness for Trial filed.		
11-20-85	WRits retd and filed - executed (two writs)		
12/30/75	Before BARTELS, J. - Case called- deft and counsel present		

BEST COPY AVAILABLE

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	bail argued- denied				
1-5-76	Before BARTELS J - case called - deft & atty Michael Coiro present - Jurors selected and sworn - Defts motion for reduction of bail - court rules that bail remain set at \$50,000 bond surety or secured by property- Trial contd to Jan. 6, 1976.				
1-6-76	Before BARTELS J - case called - deft & atty Michael Coiro present - trial resumed - Defts motion for withdrawal of a Juror and declaration of a mistrial is denied - Trial contd to Jan. 7, 1976				
1-7-76	Before BARTELS J - case called - deft & counsel present - trial resumed - Trial contd to Jan. 8, 1976.				
1-8-76	Before BARTELS J - case called - deft & counsel present - Trial resumed - Trial contd to Jan. 12, 1976.				
1-12-76	Before BARTELS J - case called - deft & counsel present - trial resumed - Jury retires at 4:15 PM for deliberations - Jury returns at 9:25 PM with a verdict of guilty to counts 1 through 7 and counts 10 through 17; not guilty on counts 8 & 9. Jury is discharged - trial concluded - defts motion to set aside verdict is denied - Govts motion to remand deft without bail denied - court raises bail to \$100,000.00 Sentence adjd without date.				
1-12-76	By BARTELS J - ^{Three(3)} orders of sustenance filed. (Lunch & Dinner) and transportation				
3-19-76	Before BARTELS, J - case called - deft & atty M. Coiro present - deft sentenced for 10 years on count 2; 10 years on count 4; 10 years on count 6; 10 years on count 10; 10 years on count 12; 10 years on count 14, 10 years on count 16, to run concurrently with each other for a total of 10 years imprisonment; deft is sentenced to 5 years on count 1; 5 years on count 3, 5 years on count 5 and for 5 years on count 7; 5 years on count 11; 5 years on count 13; 5 years on count 15; 5 years on count 17, to run concurrently with each other for a total of 5 years imprisonment but consecutive to the sentence imposed on counts 2,4,6,10,12,14 & 16 making a total of 15 years imprisonment - both sentences imposed are pursuant to F-18 U.S.C.Sec. 4208(a)(2).				
3-19-76	Judgment and Commitment filed - certified copies to Marshal.				
3-25/76	Certified copy of Judgment and commitment ret'd and filed- copies to MCC				
3-29-76	Notice of Appeal filed (no fee)				
3-29-76	Docket entries and duplicate of Notice of Appeal mailed to the Court of Appeals.				
5/12/76	Copy of order received from court of appeals and filed that record be docketed on or before 6/15/76				
6/14/76	Record on appeal certified and handed to Joan Gill for delivery to court of appeals				
6-17-76	Record received from the Court of appeals - acknowledgment mailed to Clerk.				
6-28-76	Acknowledgment received from the court of appeals for receipt of record on appeal.				
7-9-76	Stenographers' transcripts dtd Dec. 30, 1975 & Mar 19, 1976 filed.				
7-9-76	Stenographer's transcript dtd 10-30-75 filed.				

(a) Interval (per Section III)
(b) Start Date
(c) Ltr. Code
(d) Total Days

CRIMINAL DOCKET

ROBINSON, RONALD

DATE	PROCEEDINGS
7/16/76	Stenggrpahers Transcript dtd 11/18/76 filed.
7-19-76	Voucher for compensation for expert services filed
7/28/76	Record on Appeal certified & mailed to the court of Appeals.
8-3-76	Voucher for expert services filed
15/76	Acknowledgment of receipt of record received from the Court of Appeals and filed.
12/17/76	& Opinion/ Mandate received from the C of A that the judgment of this Court is reversed and that the action is remanded for further proceedings to our Court.
12/17/76	By COSTANTINO, J - Writ issued.
2/21/76	Judge Platt re assigned to case at random selection because of further proceddings which was directed from the C of A.
2-23-76	Notice received from the Court of Appeal amending the footnote five (5) of the opinion. - filed.
120/77	Before PLATT, J. - Case called. Deft & Counsel present. Adj'd to 1/21/77 at 9:30 a.m.
1-25-77	Before Platt, J - case called - deft & counsel present - Deft after being advised of his rights and on his own behalf withdraws his plea of not guilty heretofore imposed and enters a plea of guilty to count 2 of the indictment - sentence adj'd without date - bail contd.
3.18.77	Before Platt, J.- Case Called. Deft. & Counsel present. Deft. objects to pre-sentence report. Adj'd. to 3.21.77 at 9:30 AM for All Purposes.
3.21.77	Before Platt, J.- Case Called. Deft. & Counsel present. Hearing on Pre-Sentence Report set down for 3.25.77 at 2:00 P.M.
1/25/77	Before PLATT, J.- Case called. Deft & Counsel present. Govt rests, deft rests. Hearing concluded. Govt stipulates to certain revisions in Pre-Sentence Report (see record). On count 2 - deft sentenced to: 7½ years imprisonment and deft shall become eligible for parole under T-18:4205 (b)(2), at such times as the Parole Commission may determine, sentence to be served concurrently with sentence imposed by the Southern District of NY and the Supreme court, Queens County. Deft to be given credit for time served under the ^{previous} sentence imposed by Judge Bartels.
	On motion of AUSA Marcus, counts 1,3,4,5,6,7, 10, 11,12,13,14,15, 16 and 17 are ordered dismissed. Court directs that transcript of sentencing minutes be furnished to deft.

DATE

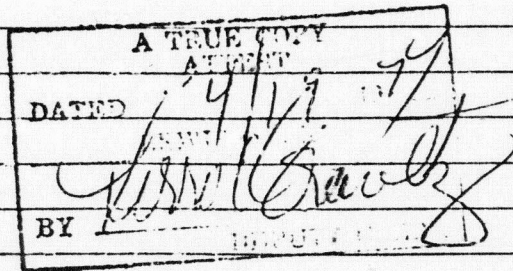
PROCEEDINGS

4

3/25/77 Judgment & Commitment filed. Certified copy of Marshals.

4-1-77 Notice of appeal filed. Docket entries and duplicate of Notice mailed to the court of appeals.

4/19/77 Record on appeal certified and mailed to the C of A. *OK*

*SD*

80000 2nd July
RJD:JMM:sd
P. #753536

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA

- against -

RONALD ROBINSON and
JAMES BLACK, JR.,

Defendants.
----- X

INDICTMENT

Cr. No.
(T. 18 U.S.C., §371
T. 18 U.S.C., §§495 and 2
T. 18 U.S.C., §§1708 and 2)

THE GRAND JURY CHARGES:

COUNT ONE

1. On or about and between the 1st day of April 1974 and the 31st day of August 1974, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants RONALD ROBINSON and JAMES BLACK, JR. did combine, conspire, confederate and agree together and with others known and unknown to the Grand Jury to steal from the mails numerous United States Treasury Checks, and to forge the endorsements of the payees on the said stolen checks and to utter and publish as true the said forged checks for the purpose of obtaining and receiving sums of money from the United States, in violation of Sections 495 and 1708 of Title 18, United States Code.

2. It was part of the conspiracy that the defendants RONALD ROBINSON and JAMES BLACK, JR. would open and cause to be opened bank accounts for the purpose of negotiating stolen United States Treasury and New York City Department of Social Services Checks.

3. It was further a part of the conspiracy that the defendants RONALD ROBINSON and JAMES BLACK, JR. would purchase stolen United States Treasury checks from others at a substantial discount from their face value.

4. It was further a part of the conspiracy that the defendants RONALD ROBINSON and JAMES BLACK, JR. would deposit and cause to be deposited in the aforementioned bank accounts stolen United States Treasury checks in the aggregate sum of approximately Seven Thousand Dollars (\$7,000.00).

5. It was further a part of the conspiracy that the defendants RONALD ROBINSON and JAMES BLACK, JR. would make and cause to be made withdrawals from the aforementioned bank accounts representing the proceeds of the said stolen checks.

In furtherance of the aforesaid conspiracy and to effect the objects thereof the defendants RONALD ROBINSON and JAMES BLACK, JR., within the Eastern District of New York, did commit, among others, the following:

O V E R T A C T S

1. On or about April 19, 1974, the defendants opened an account in the name of New York Blvd. Deli at Marine Midland Bank, 89-60 163rd Street, Jamaica, New York.

2. On or about May 29, 1974, the defendants opened an account in the name of New York Blvd. Deli at National Bank of North America, 205-02 Linden Boulevard, St. Albans, New York.

3. On or about July 8, 1974, the defendants opened an account in the name of Sutphin Blvd. Deli at Marine Midland Bank, 119-20 Sutphin Boulevard, Jamaica, New York.
(Title 18, United States Code, §371).

COUNT TWO

On or about the 1st day of August, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., with intent to defraud the United States, did utter and publish as true United States Treasury Check No. 53,126,008 dated July 26, 1974, in the sum of Two Thousand Nine Hundred Ninety Five Dollars (\$2,995.00), payable to Thony Terranova, upon which the name of the payee had been forged, knowing the payee's name to be forged. (Title 18, United States Code, §495 and §2).

COUNT THREE

DISMISSED On or about the 1st day of August, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., did unlawfully have in their possession a United States Treasury Check in the sum of Two Thousand Nine Hundred Ninety Five Dollars (\$2,995.00), made payable to Thony Terranova which was the contents of a letter stolen from the United States Mail, the defendants knowing the same to have been stolen. (Title 18, United States Code, §1708 and §2).

COUNT FOUR

On or about the 1st day of May, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., with intent to defraud the United States, did utter and publish as true United States Treasury Check No. 43,862,546 dated May 24, 1974, in the sum of One Thousand Two Hundred Twenty Seven Dollars and Twenty-two Cents (\$1,227.22), payable to Mario and Ramona Colon, upon which the name of the payee had been forged, knowing the payee's name to be forged. (Title 18, United States Code, §495 and §2).

Dismissed

COUNT FIVE

On or about the 1st day of May, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., did unlawfully have in their possession a United States Treasury Check in the sum of One Thousand Two Hundred Twenty Seven Dollars and Twenty-two Cents (\$1,227.22), made payable to Mario and Ramona Colon which was the contents of a letter stolen from the United States Mail, the defendants knowing the same to have been stolen. (Title 18, United States Code, §1708 and §2).

COUNT SIX

On or about the 1st day of June, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., with intent to defraud the United States, did utter and publish as true United States Treasury Check No. 61,878,346 dated June 1, 1974, in the sum of Two Hundred Six Dollars and Eighty-five Cents (\$206.85), payable to Lillene Claxton, upon which the name of the payee had been forged, knowing the payee's name to be forged. (Title 18, United States Code, §495 and §2).

COUNT SEVEN

Dismissed

On or about the 1st day of June, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., did unlawfully have in their possession a United States Treasury Check in the sum of Two Hundred Six Dollars and Eighty-five Cents (\$206.85), made payable to Lillene Claxton which was the contents of a letter stolen from the United States Mail, the defendants knowing the same to have been stolen. (Title 18, United States Code, §1708 and §2).

COUNT EIGHT

On or about the 1st day of July, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., with intent to defraud the United States, did utter and publish as true United States Treasury Check No. 62,749,577 dated July 1, 1974, in the sum of Two Hundred Six Dollars and Eighty-five Cents (\$206.85), payable to Clinton Maxwell, upon which the name of the payee had been forged, knowing the payee's name to be forged. (Title 18, United States Code, §495 and §2).

COUNT NINE

Dismissed
On or about the 1st day of July, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., did unlawfully have in their possession a United States Treasury Check in the sum of Two Hundred Six Dollars and Eighty-five Cents (\$206.85), made payable to Clinton Maxwell which was the contents of a letter stolen from the United States Mail, the defendants knowing the same to have been stolen. (Title 18, United States Code, §1708 and §2).

COUNT TEN

On or about the 1st day of June, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., with intent to defraud the United States, did utter and publish as true United States Treasury Check No. 61,884,644 dated June 1, 1974, in the sum of Two Hundred Fifty Six Dollars and Forty Cents (\$256.40), payable to Philip Stallworth, upon which the name of the payee had been forged, knowing the payee's name to be forged. (Title 18, United States Code, §495 and §2).

Dismissed

COUNT ELEVEN

On or about the 1st day of June, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., did unlawfully have in their possession a United States Treasury Check in the sum of Two Hundred Fifty Six Dollars and Forty Cents (\$256.40), made payable to Philip Stallworth which was the contents of a letter stolen from the United States Mail, the defendants knowing the same to have been stolen. (Title 18, United States Code, §1708 and §2).

COUNT TWELVE

On or about the 1st day of June, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., with intent to defraud the United States, did utter and publish as true United States Treasury Check No. 67,499,617 dated June 3, 1974, in the sum of Two Hundred Nine Dollars and Fifty Cents (\$209.50), payable to Theresa Venditti, upon which the name of the payee had been forged, knowing the payee's name to be forged. (Title 18, United States Code, §495 and §2).

COUNT THIRTEEN

Dismissed

On or about the 1st day of June, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., did unlawfully have in their possession a United States Treasury Check in the sum of Two Hundred Nine Dollars and Fifty Cents (\$209.50), made payable to Theresa Venditti which was the contents of a letter stolen from the United States Mail, the defendants knowing the same to have been stolen. (Title 18, United States Code, §1708 and §2).

COUNT FOURTEEN

On or about the 1st day of May, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., with intent to defraud the United States, did utter and publish as true United States Treasury Check No. 61,268,535 dated May 1, 1974, in the sum of Two Hundred Forty Four Dollars (\$244.00), payable to Dorothy Berry, upon which the name of the payee had been forged, knowing the payee's name to be forged. (Title 18, United States Code, §495 and §2).

COUNT FIFTEEN

Dismissed

On or about the 1st day of May, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., did unlawfully have in their possession a United States Treasury Check in the sum of Two Hundred Forty Four Dollars (\$244.00), made payable to Dorothy Berry which was the contents of a letter stolen from the United States Mail, the defendants knowing the same to have been stolen. (Title 18, United States Code, §1708 and §2) ✓

COUNT SIXTEEN

On or about the 1st day of June, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., with intent to defraud the United States, did utter and publish as true United States Treasury Check No. 24,280,103 dated June 1, 1974, in the sum of One Hundred Ninety Eight Dollars (\$198.00), payable to Frieda R. Stringham, upon which the name of the payee had been forged, knowing the payee's name to be forged. (Title 18, United States Code, §495 and §2).

DISMISSED

COUNT SEVENTEEN

On or about the 1st day of June, 1974, within the Eastern District of New York, the defendants RONALD ROBINSON and JAMES BLACK, JR., did unlawfully have in their possession a United States Treasury Check in the sum of One Hundred Ninety Eight Dollars (\$198.00), payable to Frieda R. Stringham which was the contents of a letter stolen from the United States Mail, the defendants knowing the same to have been stolen. (Title 18, United States Code, §1708 and §2).

A TRUE BILL

FOREMAN

DAVID G. TRACER
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

PROCEEDINGS

THE CLERK: Criminal hearing, United States
versus Ronald Lee Robinson.

THE COURT: Are we prepared to proceed?

MR. MARKS: Yes, the Government is ready,
your Honor. Before we do that, I would like to
point out, there is one error in the presentence
report which we acknowledge. The presentence
report alleges that Mr. Robinson threatened to kill
James Black, Jr., or any witness that would testify
for the Government against him.

We have no evidence that he threatened
anybody but James Black and the Government is
prepared to put on evidence to substantiate that
allegation.

THE COURT: Well, that's one of the allegations
he objects to and I guess that's certainly one that
you may want to put some evidence on. The Probation
department, if they are here, should make a note of
the fact that they should excise the words "any other
witnesses," who might be inclined to testify against
him.

MR. MARKS: That appears in two places in
the presentence report. The other allegation in
the presentence report, that the defendant objected

1 to, was the assertion that I believe about \$85,000
2 worth of checks had gone through Mr. Robinson's
3 bank accounts, that is stolen checks, both Treasury
4 and New York City Welfare checks.

5 I have had the agents total the checks and
6 they are prepared this afternoon to testify about
7 that.

8 MR. CORBETT: Of course Mr. Robinson just
9 pointed out to me now that the \$80,000 in checks,
10 he tells me, of course which is true, are beyond
11 the scope of this indictment.

12 THE COURT: The question is whether they
13 should remain in this report. It may or may not
14 have something to do with the indictment. I don't
15 know, but at the moment I think the allegation is
16 that there are some 80 -- \$85,000 in checks that
17 went through the accounts.

18 MR. CORBETT: \$80,000. It's been a few
19 days since I read the presentence report, that says
20 it went through the bank account. It was a loss
21 as a result of this scheme. We are ready to go
22 ahead with the hearing.

23 MR. MARKS: Agent Blackburn.
24
25

1 S A M U E L B L A C K B U R N , having been duly
2 sworn gy the Clerk of the Court, was examined and
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MR. MARKS:

6 Q Mr. Blackburn, by whom are you employed?

7 A Department of Justice, Drug Enforcement
8 Administration.

9 Q In what capacity?

10 A Special agent.

11 Q How long have you been so employed?

12 A Approximately three years.

13 Q Do you know the defendant Ronald Robinson?

14 A Yes, I do.

15 Q Could you explain the circumstances of your
16 meeting Ronald Robinson?

17 A Yes. In December of 1974 I had occasion
18 to work with the New York Department of Investigation in
19 an undercover capacity, in reference to a narcotics
20 investigation. On the 12th of December, I was at the
21 Office of Investigation and one of their informants,
22 James Black, placed a telephone call from the Office of
23 Investigation to Ronald Robinson's liquor store. I was
24 introduced to Ronald Robinson over the telephone by the
25 informant.

Ronald Robinson and I had a conversation in reference to me purchasing and eighth of a kilogram of cocaine. During the course of the conversation, Mr. Robinson advised me that I would have to front the money or advance the money, before I'd get the cocaine.

Further in the conversation, Mr. Robinson stated that James Black would be put in a position to be, will be placed in a position to be killed, in case I was an agent or Teddy Chappel was a police officer or agent.

Q Who was Teddy Chappel?

A He was another person working in the investigation for the Department of Investigation.

Q Prior to the conversation on December 4, 1974 with Mr. Robinson?

A December 12th.

Q December 12, 1974, do you know if Teddy Chappel had met Mr. Robinson?

A I had information that he had.

Q In an undercover capacity?

A Yes.

Q Did you make a recording of that telephone conversation that you had with Mr. Robinson?

A Yes.

Q Do you have that recording with you?

1
2 A Yes, I do.

3 MR. MARKS: I would ask that this be marked.

4 THE CLERK: Government's Exhibit 1, cassette
5 tape, marked for the hearing.

6 Q I show you Government's Exhibit 1. Have
7 you had a chance to listen to the recording today?

8 A Yes, I have.

9 Q Is this an accurate recording of your
10 conversation with Mr. Robinson on December 12, 1974?

11 A Yes, it is.

12 Q Could you play for the Court please, not
13 the whole tape but the portions of the tape in which
14 Mr. Robinson threatens to kill James Black, Jr.?

15 MR. CORBETT: I must interrupt. I think
16 if we have the tape, we should have the whole tape,
17 not excerpts.

18 MR. MARKS: I have no objection to that.

19 THE COURT: Play the whole tape then.

20 Q About how long is this tape, Agent?

21 A Maybe 15 minutes, between 10 and 15 minutes,
22 I would say.

23 Q Before you play it, let me ask you this:
24 Were you making this from a regular phone or from a pay
25 phone?

1
2 A It was an undercover telephone. A pay
3 telephone installed in the Office of Investigation and
4 throughout the tape, you will hear clickings, that's the
5 simulated coins dropping. It's just a regular undercover
6 telephone.

7 Q Every three minutes or so there is a hiatus
8 in the conversation, where the coin drops?

9 A Yes.

10 (Thereby a tape recording was played.)

11 Q Whose voice was that, sir?

12 A James Black, the informant.

13 (Playing of tape continued.)

14 Q Is that the entire tape, sir?

15 A Yes, it is.

16 Q Did you purchase the cocaine that you were
17 negotiating for?

18 A Yes, I did.

19 Q When did you purchase it?

20 A On the 12th.

21 Q And did you see Ronald Robinson later that
22 day?

23 A When I purchased the cocaine, yes.

24 Q Did you have a conversation with him?

25 A Yes, I did.

1
2 Q In the course of your duties have you had
3 occasion to deal in an undercover capacity with drug
4 dealers?

5 A Yes.

6 Q Have you ever heard the slang term "ice"?

7 A Yes.

8 Q Before this conversation on December 12,
9 1974?

10 A Yes.

11 Q And subsequent to it?

12 A Yes.

13 Q Can you tell the Court what it means?

14 A To kill.

15 MR. MARKS: I have no further questions.

16 MR. CORBETT: If the Court would bear with
17 me for one moment --

18 CROSS-EXAMINATION

19 BY MR. CORBETT:

20 Q Mr. Blackburn, are you the one who advised
21 the Probation Department that the defendant made threats
22 to execute his co-defendants?

23 A Not that I can recall.

24 Q I see. You have no idea who it was referred
25 to in the quote from the Probation Report: "Authorities

1
2 have advised us that the defendant made threats to execute
3 his co-defendant."

4 A His co-defendant, no.

Q Do you know the co-defendant referred to here?

6 A No, I don't.

7 Q Or any other individual that testified as
8 an individual?

9 A I'm sorry. Your question was what?

10 Q The quote here, "The defendant made threats
11 to execute his co-defendant and any other witness that
12 testified," you are not the source of that quote?

13 A Not that I can recall, no.

14 Q You don't know of any threats, to your
15 knowledge, to execute Government witnesses?

16 A Other than the statements that were made
17 by Mr. Robinson during the conversation, as far as icing
18 Black, in case Chappel was a policeman.

19 Q And that is the only basis of your knowledge
20 then of any execution of co-defendants or Government
21 witnesses; is that correct?

22 A To the best of my recollection, yes, that is
23 correct.

24 MR. CORBETT: No further questions, Judge.

25 MR. MARKS: I have nothing further.

THE COURT: Call your next witness.

MR. MARKS: Detective Clifford Hille.

CLIFFORD S. HILLE, having been duly sworn by the Clerk of the Court, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MARKS:

Q Detective Hille, what office are you assigned to?

A The New York City Department of Investigation.

Q Did there come a time when you conducted an investigation of Ronald Robinson?

A Yes, I did.

Q Could you tell us the nature of that investigation, sir?

A The investigation was into the stealing and passing of City Welfare checks from New York City and the checks were passed through an account named New York Boulevard Deli, through which Mr. Robinson and Mr. James Black, Jr. were partners.

Q Where were those New York Boulevard Deli accounts?

A The accounts were at the Marine Midland Bank on 163rd Street on Jamaica Avenue in Queens, and

the National Bank of North America on 205th Street and New York Boulevard, in Queens.

Q Did you make a determination on whether any of the stolen Welfare checks went through any of those accounts?

A Yes, I did.

Q Could you tell us how many checks went through each account? I am talking about stolen checks.

A I recovered 163 checks totalling \$24, 449.62 which were deposited in the Marine Midland Bank on New York Boulevard, in the name of the deli.

THE COURT: 163 checks?

THE WITNESS: 163 checks. We also recovered 183 checks, New York City Welfare checks totalling \$24,207.43, checks that were deposited in the National Bank of North America in the account of New York Boulevard Deli.

Q And those were also stolen?

A Yes, they were.

Q Did you go through the banks to find out who the signatories were on those accounts?

A Yes, I did.

Q Who were they?

A Ronald Robinson and James Black, Jr.

MR. MARKS: I have no further questions.

CROSS-EXAMINATION

BY MR. CORBETT:

Q Detective, I understand Marine Midland Trust, you have about \$24,000 in stolen checks, you said?

A Those are the checks that I recovered. Some of the checks that went through had been returned to the depositors and are no longer available. I don't know what happened to them, but the bank had over \$48,000 deposited to that account; New York Boulevard Deli account.

Q But all you can say now, under oath, is that there were \$24,000 worth of stolen checks in the Marine Midland Bank?

A New York Welfare checks, yes, that I have.

Q And the National Bank of North America, I believe it was over \$24,200 and some-odd dollars; is that correct?

A Yes.

Q That adds up to \$48,000; is that correct?

A That's correct.

Q Tell me, Officer, are you the source of the statement in the Probation Report, "Authorities estimated that \$80,000 in checks were stolen"?

A I can't recall if I gave that figure. I think I might have said \$65,000.

1
2 Q You may have said \$65,000. Then you didn't
3 tell the -- withdrawn.

4 Did you speak to someone from the Probation
5 Department?

6 A Yes, I did.

7 Q And did you tell that person that you had
8 evidence of stolen checks of \$48,000?

9 A \$48,000?

10 Q Yes.

11 A I think I told them \$65,000.

12 Q You told them that you had recovered checks
13 for \$65,000 worth; is that what you are testifying to?

14 A No, the banks had told me that \$48,000
15 had been deposited into the account of Marine Midland Bank
16 and the \$28,000 into the National Bank of North America
17 and adding them together it comes out to \$76,000. Part
18 of the deposits that went through were Treasury checks.

19 Q But the only stolen checks, as you have
20 told us, Marine Midland, was \$24,000 worth?

21 A In Marine Midland, \$25,000 that I know of.

22 Q You made a thorough investigation, I take it?

23 A Yes. I might add, the bank also informed --
24 Marine Midland Bank also informed me the \$28,000 was lost
25 before the account was closed.

1
2 Q Without making the claim to the insurance
3 carrier?

4 A I assume so.

5 Q You can positively prove \$48,000, you say?

6 A \$48,000.

7 Q 207 dollars and change?

8 A \$24,207.43 in the National Bank of North
9 America and \$24,449.62 in the Marine Midland Bank.

10 Q Any other information as to what someone
11 in the bank told you about their claim?

12 A The National Bank of North America told
13 me they had a loss of \$21,000.

14 MR. CORBETT: I see. No further questions.

15 THE COURT: You may step down.

16 MR. MARKS: I have nothing further.

17 I call Kenneth Donohue.

18 K E N N E T H M . D O N O H U E , having been duly
19 sworn by the Clerk of the Court, was examined and
20 testified as follows:

21 DIRECT EXAMINATION

22 BY MR. MARKS:

23 Q What do you do for a living?

24 A I am a special agent on the United States
25 Secret Service.

1
2 Q How long have you been with the Secret
3 Service?

4 A Approximately eight years.

5 Q Have you conducted an investigation of
6 Ronald Robinson?

7 A Yes, I did.

8 Q And in preparation for this hearing, did you
9 run a total on the Treasury checks which had been deposited
10 in the account in which Mr. Robinson was a signatory?

11 A Yes, I did.

12 Q Were all those checks run, a total of stolen
13 checks?

14 A Yes, they were.

15 Q Can you tell us which accounts you found
16 the Treasury checks in?

17 A The National Bank of North America, the
18 Marine Midland Bank, both in Queens, and also the
19 European-American Bank.

20 Q In whose name was the account at the European-
21 American Bank?

22 A It was the personal account of Ronald
23 Robinson.

24 Q What was the total of the number of checks
25 you were able to find, that were run through those accounts?

1
2 A The number of checks was approximately
3 67 checks, United States Treasury checks.

4 Q What was the total amount of those checks?

5 A The general figure was approximately \$24,950.

6 MR. MARKS: I have no further questions.

7 MR. CORBETT: No questions, Judge.

8 THE COURT: You may step down.

9 MR. MARKS: The Government rests.

10 MR. CORBETT: Defense rests.

11 THE COURT: Okay, well, I guess I will
12 hear from Mr. Corbett, if you think there is a lack
13 of basis for the statements in this report.

14 MR. CORBETT: Well, Judge, if I may be heard
15 on the first statement in the Probation report,
16 quoting from page 9, "Authorities advise us that
17 the defendant made threats to execute his co-
18 defendant or any other individual who testifies as
19 a Government witness."

20 THE COURT: The last half was withdrawn.

21 MR. CORBETT: It has been withdrawn, "to
22 execute his co-defendant --" The only witness
23 who testified on that, Agent Blackburn, doesn't
24 even know who the co-defendant was, number one;
25 and number two, we had a tape preented in which

1
2 somebody spoke of Agent Blackburn as apparently
3 trying to urge Mr. Robinson to sell him some
4 narcotics and Mr. Robinson pointed out, if -- as
5 I recall it now it was difficult to hear, if
6 Blackburn was a police officer or an agent,
7 somebody named Mr. Black would be iced.

8 Now, of course, I say that is no direct
9 threat to execute his co-defendant, as quoted in
10 the Probation report, and I think while the agent
11 testified as to the meaning of "ice," let me say
12 that that in the narcotics trade, people who would
13 be engaged with informers and police and whatnot,
14 might possibly meet a violent end and I don't
15 think it can be taken as a threat by Mr. Robinson.
16 Mr. Robinson was merely pointing out a fact, if
17 they are going to deal in narcotics, and somebody
18 is going to bring around a narcotics agent to make
19 a purchase, somebody is going to be iced and I can't
20 think of any stretch of the imagination that that
21 can be taken as a threat by Mr. Robinson, and
22 certainly the Probation report says he made
23 threats to execute his co-defendant and there has
24 been no threats to execute his co-defendant.

25 THE COURT: Well, let's assume, it may not

1
2 be artistically worded. I take it for what it's
3 worth, based on what I heard.

4 MR. CORBETT: It's your Honor who has to
5 make the decision. I can only urge your Honor.

6 THE COURT: What about the other half, which
7 you contest?

8 MR. CORBETT: The other half, the first --
9 New York City Detective had \$48,000 in stolen
10 checks and of course, I didn't cross-examine
11 Agent Donohue of the Secret Service, but he added
12 to \$24,000 in Treasury checks.

13 THE COURT: That doesn't quite make 80,000
14 but it gets up pretty close to it.

15 MR. CORBETT: It's in the general vicinity,
16 Judge.

17 THE COURT: All right, with those qualifi-
18 cations, and subject to that, I think the Probation
19 report could have been slightly somewhat more
20 accurately phrased, but I don't think it's a
21 complete misdescription, and while I think there
22 is \$72,000 in checks, and not \$73,000 in checks,
23 or \$80,000, I don't think it materially alters
24 the proof of the report. That would be my thinking.

25 However, if you wish to have the Probation

1 report reordered to reflect the accurate state of
2 facts in both cases, I will grant your motion.

3 MR. CORBETT: Well, I think perhaps --

4 THE COURT: It might be something you might
5 want to have done.

6 MR. CORBETT: Yes, your Honor, as your Honor
7 might point out, it might be important to
8 Mr. Robinson in the future.

9 THE COURT: All right, I will let you work
10 out the wording with the Government, as to both,
11 and I will suggest that the Government word it and
12 take out the business about those who testify and
13 threats to ice Mr. Black, the co-defendant, or
14 some such thing like that.

15 MR. MARKS: Your Honor will see that from
16 the indictment that Mr. Black is indeed the co-
17 defendant.

18 THE COURT: I understand; "ice," in quotes
19 if you will. I don't think he had in mind, putting
20 him on ice.

21 MR. MARKS: I will stipulate to amend the
22 report as Your Honor has suggested and I will also
23 stipulate, in the amendment of the report, to
24 stipulate that \$73,000 worth of stolen checks were
25 run through the account, instead of 80,000.

1 THE COURT: Is there any real reason why,
2 aside from that, why we shouldn't proceed?

3 MR. CORBETT: Not at this time.

4 THE COURT: All right, step forward,
5 Mr. Robinson.

6 Now, is there any legal reason why we
7 shouldn't proceed with sentencing Mr. Robinson?

8 MR. ROBINSON: No, sir.

9 THE COURT: Mr. Corbett, you wish to say
10 something?

11 MR. CORBETT: Yes, Judge.

12 This case has given me a lot of worries and
13 troubles because of the fact -- this is a man
14 who has lived a good life, prior to his involvement
15 here, and particular, I am impressed by the fact
16 he has a long period of service as a non-commissioned
17 officer in the United States Army, which I consider
18 to be important. He has had -- he has a good
19 military record and in addition to that he has been
20 a businessman, a highly successful businessman.

21 Now, unfortunately, he became involved in
22 these things and the result is that he stands
23 before your Honor.

24 Now, his first trial, he was sentenced to
25 a sentence which I think was disproportionate to

1 the offense to which he was convicted. That of
2 course is a matter of -- that sentence is of course
3 moot, now. The thing was reversed and sent back
4 for a new trial and Mr. Robinson went over the
5 whole business me very carefully, with our
6 investigator who worked on the case with us and
7 decided to enter a plea.

8 I say to your Honor that Mr. Robinson has
9 told me that he, in connection with the Probation
10 Department, where this place where he was
11 incarcerated, spent a great deal of time in hearing
12 before the board and he tells me he had been
13 ready to be paroled at the time the case was sent
14 back.

15 Under these circumstances, Judge, I will
16 interrupt myself and say this: In visits to him
17 in the MCC, I find that Mr. Robinson is working
18 there as an electrician and is highly regarded by
19 prison authorities there and has access to go
20 here and there in the building, and that building
21 is a place where I can't move as I please. I must
22 be escorted from place to place.

23 MR. Robindon has the freedom of the building
24 and works very hard as an electrician.

25 Under the circumstances, I think for the

1 crimes that are involved here, I most respectfully
2 ask your Honor to give him time ser

3 THE COURT: Mr. Robinson, do you wish to
4 say anything?

5 MR. ROBINSON: Yes, sir.

6 First of all, I'd like to say to your Honor
7 that I have no prior record, ever in my life.
8 Forty years old, I have a wife and three kids.
9 I met Mr. Black who is a Government informer,
10 prior to meeting me, unknown to me.

11 I merely had a security interest in New
12 York Boulevard Deli. I loaned Mr. Black money to
13 start a business. I went to trial. I got three
14 cases from Mr. Black as an informer.

15 Mr. Black was unindicted on the narcotics
16 case and we have narcotics agents -- he was
17 not indicted for nothing. I went to trial on the
18 check case, conspiracy issue. I was found guilty,
19 given 15 years. I came back on appeals and won.

20 The Appeals Court dismissed half of the
21 indictments, which is the substantive count of
22 the conspiracy case. I am sure the indictment is
23 a faulty indictment, being that it was tainted
24 by legal law.

25 The indictment was tainted being the Appeals

1 Court dismissed half the indictment and I chose
2 and went before your Honor on a new trial and won.
3 No one will give me back 18 months, 19 months.

4 I have served 19 months in the penitentiary.
5 My penitentiary institution record is excellent.
6 I have been before the Parole Board on an old
7 sentence and was recommended for parole and the
8 presentence report was worse than this one, by the
9 same writer.

10 We found inaccuracies in the presentence
11 report here. We found inaccuracies in the trial
12 -- previous trial.

13 I am asking your Honor for time served,
14 Federal guidelines for 12 to 16 months. I have
15 done 18 months. I don't see where it serves
16 justice for any more time.

17 I have a wife and three kids and my wife
18 is now in support of my family, with \$21,000 income
19 and my family needs me now at home.

20 MR. MARKS: May I be heard, your Honor?

21 THE COURT: Yes, you may.

22 MR. MARKS: I would simply like to correct
23 the record.

24 Mr. Robinson was in error when he said
25 that James Black was cooperating with the Government.

1
2 prior to his meeting Mr. Black. In addition, he said
3 that Mr. Black has not been indicted for anything.
4 In fact, Mr. Black is now serving a 20 year sentence
5 for armed robbery. He was indicted in this case.

6 He pled guilty to a conspiracy count in this
7 case and he has also been indicted by the State for
8 running these stolen checks through the accounts, and
9 he has pled guilty in the State, as well.

10 THE COURT: What counts are still open, besides
11 Count Two? Mr. Robinson said that half of the counts
12 had been dismissed.

13 MR. MARKS: At this time I would move to --
14 after Your Honor imposes sentence, I would move to
15 dismiss Counts One, Three, Four, Five, Six, Seven,
16 Ten, Eleven, Twelve, Fourteen, Fifteen, Sixteen,
17 and Seventeen.

18 THE COURT: Well, Mr. Robinson, I don't see that
19 I can just let you off with time served. If you have
20 reached the stage where you have persuaded the Parole
21 Commission to grant parole, more power to you, and
22 I don't want to prejudice their judgment in any way,
23 and it is not my intent, with what I propose to do.

24 You can order the record and show them this,
25 at the Government expense, that in no way is my

1 sentence intended to reflect in any way upon their
2 judgment if they had made such a judgment, to grant
3 you parole. Indeed, if they have made such a judgment,
4 they should pursue their judgment so if under the
5 prior sentence you are presently eligible for parole,
6 and they have voted to give you such parole, then
7 you should be awarded such parole.

8 They shouldn't read into the sentence that I'm
9 about impose, anything other than a modification of
10 the prior sentence of Judge Bartels. So, they are
11 not to say, you went back to Judge Platt and he
12 reimposed that sentence and therefore we are going to
13 modify our prior determination. They should adhere
14 to their prior determination, if they feel you are
15 deserving of parole, but based on the record before
16 me, and the hearing of the tapes, which I think might
17 have been well to spare me but you wanted me to hear
18 it.

19 It is adjudged on Count Two of the indictment
20 that the Defendant is hereby committed to the custody
21 of the Attorney General or authorized representative
22 for a term of imprisonment of seven and a half years,
23 and that the Defendant become eligible under 18 USC
24 4405B2, until such time the Parole Commission shall
25 determine, such sentence to be served concurrent with

1 the sentence imposed by the Sourthern District of
2 New York and Supreme Court of Kings Country and the
3 Defendant shall be given time served under a previous
4 sentence by Judge Bartels.

5 MR. CORBETT: Your Honor mentioned that there
6 would be made available, at Government expense, a
7 copy of the sentencing minutes?

8 THE COURT: Yes, so he can present that to the
9 Board of Parole. If he was eligible at the time, then
10 of course, under Judge Bartels, they were going to
11 grant him parole, they should have.

12 MR. ROBINSON: Can I say something -- one more
13 thing, with respect to the Court?

14 MR. MARKS: Your Honor has imposed the sentence,
15 recognizing that the Court of Appeals has directed
16 this Court to dismiss the possession count in the
17 indictment?

18 THE COURT: Yes.

19 MR. MARKS: At this time, the Government moves
20 to dismiss Counts One, Three, Four, Five, Six, Seven,
21 Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen,
22 Sixteen, and Seventeen of the indictment.

23 THE COURT: Motion granted.

24 (Thereby the above proceeding terminated at the
25 time noted 3:20 P.M.)

* * * * *

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*Paul
G. G. G. G.*